

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 7186 of 1999

For Approval and Signature:

Hon'ble MR.JUSTICE M.C.PATEL Sd/-

1. Whether Reporters of Local Papers may be allowed : NO
to see the judgements?

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy : NO
of the judgement?

4. Whether this case involves a substantial question : NO
of law as to the interpretation of the Constitution
of India, 1950 of any Order madJJJJ

5. Whether it is to be circulated to the Civil Judge? : NO
Nos. 1 to 5 No

GSRTC

Versus

MAHENDRAGIRI A GOSAI

Appearance:

MR HARDIK C RAWAL for Petitioner

MR BA VAISHNAV for Respondent No. 1

CORAM : MR.JUSTICE M.C.PATEL

Date of decision: 09/12/1999

ORAL JUDGEMENT

Rule. Mr.B.A.Vaishnav waives service of rule.

Heard the learned Advocates for the parties. By consent of the parties the petition is taken up for immediate

hearing.

The respondent who was employed as Conductor in the petitioner corporation was awarded punishment of stoppage of increment for five years with permanent effect on one charge and stoppage of two increments with permanent effect on another charge. The Labour Court has held that the first charge was not proved and there is no reason to interfere with the said finding of fact. On the other charge the Labour Court has substituted the punishment of stoppage of two increments without permanent effect for the punishment of stoppage of two increments with permanent effect awarded in the departmental proceedings. Having heard submissions made by the learned Advocates of the parties I am of the opinion that the punishment of stoppage of one increment with permanent effect would meet the ends of justice. The Labour Court has also given some direction with fixation for ten years but the learned Counsel for the respondent agrees that no such direction could have been given and hence it is deleted. The award of the Labour Court shall stand modified accordingly. Rule made absolute to the said extent. No order as to cost.

m.m.bhatt